



## **U.S. Environmental Protection Agency**

Region I New England  
5 Post Office Square – Suite 100  
Boston, MA 02109-3912

---

**URGENT LEGAL MATTER - PROMPT AND COMPLETE REPLY IS  
REQUIRED  
CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**JUN 08 2015**

Ken Gillette, Hatchery Manager, White River National Fish Hatchery  
c/o Dwight D. Eisenhower National Fish Hatchery  
17 Holden Road North  
Chittendon, VT 05763

Re: Request for Information, Docket No. 308-01-15-23  
SPCC inspection of White River National Fish Hatchery on 23 April 2015

Dear Mr. Gillette:

Our records show that the White River National Fish Hatchery, located in Bethel, VT (the "Facility"), was inspected by a representative of the U.S. Environmental Protection Agency ("EPA") on April 23, 2015. Based on information provided at that time, the inspector noted that this Facility did have a Spill Prevention, Control, and Countermeasure ("SPCC") Plan, as required by the Oil Pollution Prevention Regulations at 40 C.F.R. Part 112, promulgated under Section 311 of the Clean Water Act, 33 U.S.C. § 1321. However, the SPCC Plan and implementation of the plan was inadequate as the facility failed to have a written plan for inspections of oil storage containers and failed to document regular inspections of oil storage containers. This was communicated to Mr. Gillette by the inspector at an out-brief session on the day of the inspection.

**Under the authority of Sections 308 and 311(m) of the Clean Water Act, 33 U.S.C. §§ 1318 and 1321(m), you are hereby required to submit to EPA within 30 calendar days of your receipt of this letter the following:**

1. A copy of a signed, final, SPCC Plan for the Facility, which includes a plan for regular inspections and testing of oil storage containers, and a plan for documenting such inspection and testing. If completion of the SPCC Plan is not feasible within 30 calendar days, submit a detailed schedule of when it will be completed and fully implemented. The schedule should include the name, address, license number, and

state of licensure of the registered professional engineer certifying the SPCC Plan, if applicable.<sup>1</sup>

**The following additional information shall also be provided within 30 calendar days of your receipt of this letter:**

2. For the Dwight D. Eisenhower Fish Hatchery, located in Chittendon, VT, please provide the following information:
  - a. Provide the aggregate shell capacity of all above ground oil tanks and containers equal to or greater than 55 gallons in size at the facility.
  - b. Explain whether the facility is subject to the Oil Pollution Prevention Regulations (40 C.F.R. Part 112).
  - c. If it is subject to the Oil Pollution Prevention regulations indicate whether the facility has a written, Professional Engineer-certified SPCC Plan or a written, self-certified SPCC Plan, and whether the SPCC Plan is being fully implemented at the facility; and
  - d. If it is required to have an SPCC Plan but either does not have one or is not fully implementing their SPCC Plan, provide a time frame for when the facility is expected to be in compliance with the Oil Pollution Prevention Regulations.

Answers to the above set of questions shall be sent to:

Andrew Spejewski, Mail Code OES04-1  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Sq., Suite 100  
Boston, MA 02109-3912

Please be advised that noncompliance with the Oil Pollution Prevention regulations constitutes a violation of the Clean Water Act.

Although this letter's emphasis is on compliance with the Oil Pollution Prevention Regulations, your facility may also be subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act ("EPCRA"). If you are

---

<sup>1</sup> Please note that if your Facility has an aboveground oil storage capacity of 10,000 gallons or less and meets the oil discharge history criteria as described in 40 C.F.R. § 112.3(g), you are no longer required to obtain professional engineer certification of the SPCC Plan. Instead, you may self-certify your Facility's SPCC Plan consistent with the requirements of 40 C.F.R. § 112.6. If you choose to self-certify, in addition to providing EPA with the self-certified SPCC Plan, provide an explanation (with documentation) supporting the determination that your Facility is a "qualified facility" as defined in 40 C.F.R. § 112.3(g).



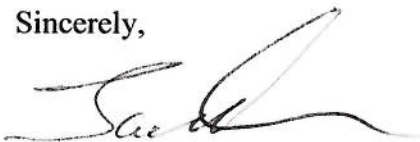
required to have Material Safety Data Sheets for your facility and store 10,000 lbs or more of oil, then you may be required under Section 312(a) of EPCRA to prepare and submit an emergency and hazardous chemical inventory form to the Local Emergency Planning Committee ("LEPC"), the State Emergency Response Commission ("SERC") and the local fire department. More information can be found at <http://www2.epa.gov/epcra>. EPA does not waive its right to take additional enforcement action for any violation of EPCRA or of any other federal statute or regulations.

Please be further advised that compliance with this information request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, within the time frame specified above, also constitutes a violation of the Clean Water Act subject to enforcement action,. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal prosecution under 18 U.S.C. § 1001. If information or documents not known or available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of the response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible, and provide a corrected response.

Your response to this Request must be accompanied by the certificate that is signed and dated by the person who is authorized to respond to the Request. The certification must state that your response is complete and contains all information and documentation available to you that is responsive to the Request. A Statement of Certification is Enclosed with this letter.

If you have any questions concerning your compliance with this letter, please contact Andrew Spejewski, directly at (617) 918-1014, or have your attorney contact Jeffrey Kopf, EPA's attorney in this matter, at (617) 918-1796. For your information, EPA has on its website ([www.epa.gov/oilspill](http://www.epa.gov/oilspill)) a general guidance document on SPCC Plan preparation, including a model SPCC Plan.

Sincerely,



James Chow, Manager  
Technical Enforcement Office  
Office of Environmental Stewardship

Enclosure

cc: Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1  
Andrew Spejewski, Environmental Engineer, EPA Region 1  
Joseph Canzano, Spill Prevention Compliance Coordinator, EPA Region 1  
Anne Fenn, Federal Facility Program Manager, EPA Region 1



**Statement of Certification for National Fish and Wildlife Service**

(To be returned with Response to Information Request)

I declare under penalty of perjury that I am authorized to respond on behalf of the National Fish and Wildlife Service. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

